

REGULAR CITY COUNCIL MEETING

AUGUST 27, 1984

PRESENT

Grant S. Nielson	Mayor
Don Dafoe	Council Member
Neil Dutson	Council Member
Craig Greathouse	Council Member
Ruth Hansen	Council Member
Kjell Jenkins	Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan	City Manager
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Ray Valdez	City Building Inspector
Stan Koyle	IPP Representative
Gayle Bunker	
Chris Glascock	
Shane Roberts	Scout Project
Dude Bennett	D & J Concrete
Paul Daughter	Daughter's Construction
Paul Manis	Daughter's Construction
Tom Downing	City Resident
John Horlacher	Dixo Gas
Paul Horlacher	City Resident
Ken D. Hutchings	City Resident
Lenore McCall	City Resident
Jerry Bennett	D & J Concrete
Anna Bennett	D & J Concrete
Deann Burton	City Resident
Marylou Riding	City Resident
Leah Kauwe	City Resident
Paul Farthing	Farthing Excavating
Zane Bennett	Bennett Construction
Jim Dewyze	F.S.W.
Bryce Ashby	City Fire Chief
Manny Perez	IPP Representative

Mayor Nielson called the meeting to order at 7:00 p.m. and stated that the notice of time, place and agenda of the meeting had been mailed to the Millard County Chronicle, the Millard County Gazette, and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery reviewed the list of accounts payable as previously distributed for the Council's consideration and approval of payment.

Following a brief discussion of the accounts payable, Council Member Don Dafoe MOVED to pay the bills as listed. Motion was SECONDED by Council Member Craig Greathouse. Motion carried.

PROPOSED ORDINANCE REPEALING THE RESIDENCY REQUIREMENTS FOR DELTA CITY EMPLOYEES

Attorney Peterson presented each Council member with a copy of the proposed ordinance repealing the present ordinance setting residency requirements for Delta City Employees which had been prepared at the direction of the Council.

Following a brief discussion of some requested changes to the proposed document, the Council decided to table the matter until the September 10 City Council meeting.

CANDIDATES FOR DELTA CITY COUNCIL VACANCY

Mayor Nielson invited those persons interested in the appointment of Council Member for the unexpired term of Council Member Kjell Jenkins to take 5 minutes to present their qualifications for the position to the Council. The candidates and their presentations were as follows:

KENNETH HUTCHINGS: Mr. Hutchings told the Council he had lived in Sacramento and San Francisco, California, and some smaller towns in both California and Arizona, has served as PTA President, Assistant to the President in a small firm in Provo, and is now working with Bechtel Construction Company at the IPP site. Mr. Hutchings stated he had been wanting to get involved in city government for some time. He further stated he had spoken to Mayor Nielson earlier regarding this matter.

Mr. Hutchings told the Council he felt it was important to get involved in the community, and that he had a number of good ideas and could support the Council in the activities of Delta City. Mr. Hutchings has six children and his wife is expecting a seventh child; consequently, he has a great deal of interest in City government and its effect on the family. He owns his own home within Delta City. Council Member Don Dafoe asked how long his present job would keep him in the area. Mr. Hutchings replied that he anticipates staying in the area until approximately 1987. Mayor Nielson asked the Council if there were any further questions or

comments for Mr. Hutchings. There being none, he thanked Mr. Hutchings for his presentation and interest in the community and the appointment.

GAYLE BUNKER: Mr. Bunker feels that, because he has lived in the area most of his life, the City Council knows him, his background and his personal involvement in the community and its affairs. Further, he has considerable interest in the City because his family life and his properties and businesses are within Delta City and its surrounding area. It was noted that Mr. Bunker was a candidate in the last election. Mr. Bunker stated that he has had several citizens approach and encourage him to apply for the upcoming vacancy.

Council Member Hansen asked Mr. Bunker about a possible conflict of interest because of his properties and businesses within the City limits. Mr. Bunker replied that as a present member of the Planning and Zoning Commission, whenever a matter would be discussed in the Planning and Zoning meetings which might concern him, any of his properties, businesses or projects, he would not take an active part in the discussion or abstain from voting regarding the matter or issue, and would do the same as Council Member.

Mayor Nielson asked the Council if there were any further questions or comments regarding Mr. Bunker as a possible candidate for the position of Council Member. There being none, he thanked Mr. Bunker for his presentation and interest in the community.

Mayor Nielson explained to the Council that Mr. Chris Glascock had also expressed an interest in applying for the position of Council Member; however, he was not in attendance at the meeting.

Mayor Nielson asked if there were any other persons in attendance that might be interested in the position of Council Member. No one at the meeting replied.

Mayor Nielson noted the large attendance and asked if there were any particular concerns that the audience wanted to bring before the Council. John Horlacher stated there was some concern in the community regarding the City Building Inspector, i.e., he had been informed that there were two building inspectors. If this were true, he asked, why were the contractors not informed of the City acquiring a second inspector, so that the contractors could contact the second inspector when Mr. Ray Valdez was unable to inspect. Council Member Jenkins explained the reason for a second inspector was to accommodate the contractors. For example, he said, when Mr. Valdez is either out of town or busy with other inspections, there would be a second inspector available. This would eliminate the need of contractors having to shut down their jobs while waiting for Mr. Valdez.

Mr. Horlacher then asked the Council if the contractors would be notified as to which inspector would conduct their project inspection. Council Member Jenkins explained the same procedure for inspections that was presently being used would be continued. If a contractor needed an inspection they would call the City Offices and an inspector would be sent to the project for the inspection.

PARK DEDICATION - WAIVER FOR MEADOW PARK SUBDIVISION

Attorney Peterson explained that he had not been notified that this item was being placed on the agenda. Following a brief discussion of the issue, the matter was tabled until Attorney Peterson had time to prepare the necessary presentation.

APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE EXPANSION OF THE FIRE STATION CONSTRUCTION

City Manager Jim Allan explained that the agreement between Utah Department of Community and Economic Development and Delta City on the \$29,851 fire station expansion, requires the Council to accept the project and the funding provided prior to letting the contract for the building construction.

Following a brief discussion, Council Member Craig Greathouse MOVED to approve the funding agreement for the fire house expansion project and accept the funding from the Utah Department of Economic Development in the amount of \$29,851. The motion was SECONDED by Council Member Kjell Jenkins. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion carried unanimously.

SCHEDULE PUBLIC HEARING FOR THE PARTIAL VACATION OF THE UTILITY EASEMENT ON BRISTLECONE DRIVE BETWEEN WHITE SAGE AVENUE AND WILLOW STREET IN THE WHITE SAGE DEVELOPMENT AREA

City Manager Jim Allan reviewed with the Council a zoning setback violation on Lot 18 in the White Sage Subdivision. The Council had reviewed the matter and had moved to vacate a portion of the utility easement. It was noted that there are two methods to proceed with any vacation. They are:

1. A petition can be circulated among the property owners affected by this vacation.
2. A Public Hearing can be held regarding the vacation. The notice of the Public Hearing must be published for at least 28 days prior to the Hearing.

The Council questioned whether or not the required number of signatures could be obtained on a petition to proceed with the vacation. Because the City wishes to resolve this issue by a partial street vacation, Mr. Allan suggested that the Council authorize publication of a notice of the vacation proposal and set a public hearing in order to meet a 28-day requirement.

Council Member Craig Greathouse expressed his concern over vacating two feet on just one street in the subdivision and suggested the Council consider vacating two feet for all streets within the subdivision. This would standardize all of the easements in the subdivision. Council Member Greathouse asked the Delta City Zoning Officer, Ray Valdez, about the propriety of vacating just one street and whether or not it would be better to vacate all the lots in order to standardize. Mr. Valdez replied that he would accept whatever decision the Council made regarding the vacation of the two feet.

Mr. Jerry Bennett stated that a problem might be created for the contractors by having just one street with a four foot public utility easement and the rest of the streets in the subdivision with a six foot easement. The contractors are accustomed to having the easements all the same in one area, he said and any contractor that has been in the business for any amount of time knows what the easements and the required setbacks are and understands how to lay it out. The job of the inspector is to go on the job site and insure that all building requirements are met by the contractor, he said.

Mr. Bennett further stated, "Regardless of what has taken place in this particular instance, I'm going to voice my opinion. I'm sure the contractors here tonight will back me up for what I'm about to say. There is an inspector here tonight that you have employed with Delta City and in our opinion, the inspector is a very qualified inspector. He knows what is going on. He will come on the job site, even though he is liable to make mistakes. We as contractors also make mistakes, but litigation will take care of that. We came to the meeting because we heard on the radio that the City has hired a part-time inspector. In the past we have used both Steve Young and Ray Valdez. When we call for Steve Young and he's not there, Ray Valdez is referred to us. On the other hand, if we call for Ray Valdez and he's not there, we are referred to Steve Young. This enables us as contractors to continue with our projects without having to shut down while waiting for an inspector to come and complete an inspection. As citizens we are now paying a full-time inspector. Why should we now pay for a part-time inspector as well?" Council Member Kjell Jenkins answered Mr. Bennett by saying that Mr. Young had not been hired and that the City simply had not had an agreement with the County for Steve to cover for Ray or for Ray to cover for Steve. Mr. Bennett replied that he had heard on the radio that Mr. Young had been hired as a part-time inspector for Delta City and that it had been approved in Council meeting. Council Member Jenkins stated that one can't always believe what one hears on the radio.

Mr. Fletcher, manager and part-owner of KNAK, responded to Mr. Jenkins that, if Council Member Jenkins would check his records, he would find that the vote was three to one to hire a part-time inspector. "Isn't that correct Mayor? In fact, the motion was passed. Council Member Greathouse voted for it; Council Member Hansen voted for it; Council Member Dutson voted against it; Council Member Jenkins voted against it; and the Mayor then voted for it to break the tie. The part-time inspector was hired on a three to one vote of the Council." The Mayor said he would have to check the minutes of that meeting when they were presented for Council's approval.

WATER DEDICATION FOR DELTA ESTATES

Mayor Nielson asked Rex Day to address the Council regarding the history of water rights dedication in Delta Estates.

Mr. Rex Day, part owner of the Delta Estates, stated that when he was first involved with the water for Delta Estates, he was asked by former Mayor Hatch Farnsworth if Day's wanted to get the City water to the whole subdivision area. At that time, he met with the City Council, and they agreed to put City water into the whole subdivision, as long as Day's paid the amount agreed on. Mr. Day said Mr. & Mrs. Carlyle Peterson, part-owner of Day's Estates, were asked if they wanted to participate in the project, but they decided they did not want to pay the agreed price. Mayor Farnsworth and the Council told Mr. Rex Day that the City water would have to be kept south of Millard Street, and that the Days would be responsible for the installation of a four inch line and have to run the line from the property then owned by Mitch Myers. Mr. Day said the installation was completed by the Days and the agreed amount of money was paid to Delta City. Mr. Day stated it was his understanding at that time that his portion of the subdivision, or Delta Estates, was included in the City water system. When the property was annexed, Mr. Day assumed that he would not have to pay the required water dedication fee for any of his property that was included in the water system. Prior to the new water system being installed, Mr. Day had all of the water metered by one water meter, and he was responsible for payment of that water bill. Mr. Day, once again, stated this his understanding was that all property south of Millard Street should be exempt from the required water dedication fee, and that all property north of Millard Street would be required to pay the water dedication fee.

Following further discussion of this matter, Council Member Neil Dutson MOVED that any lot within the Delta Estates subdivision fronting the old water line, or south of Millard Street, that was previously being serviced by the water from Rex Day's master meter, would be exempt from the required water dedication fee. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he called for a vote. The motion carried.

DRAINAGE OF THE DELTA SOUTH ELEMENTARY SCHOOL

Council Member Neil Dutson reported he had observed large puddles of water at the Delta South Elementary School. He said it appears the street in that area will either have to be raised or underground drainage installed to correct the problem. Mayor Nielson reminded the Council that the original agreement was that the City would pay 25% up to \$6,000, and IPA would pay 25% up to \$6,000 with the School District paying 50% of the cost of the drainage. However, the School District at this time has not agreed to this arrangement. Following further discussion of this issue, it was the opinion of the Council to stay with the original agreement. There was no further Council action at this time on the matter.

ACCEPTANCE OF REGIONAL PARK IN WHITE SAGE DEVELOPMENT AREA

City Manager Jim Allan reviewed with the Council the background concerning the White Sage Regional and Neighborhood Parks. He said the deed to the park property has not been accepted by Delta City because of the serious problems at the park, e.g. the grass dying and the questions of who is responsible to correct these and other problems. As a result of discussions with Mr. Stan Koyle and Mr. Manny Perez, it was decided to hold some weekly meetings to try to resolve some of the issues at the parks, Mr. Allan said. It was determined that Delta City's acceptance of the park has to be conditional because of the nature of some of the problems there. The problems are much more serious than just the result of significant loss of sod and other landscaping, he said. The drainage problem and the high salinity of the soil require long term solutions. Attorney Peterson reviewed with the Council a proposed Resolution No. 84-113 entitled, "A Resolution Declaring The Intent of Delta City Council To Accept Dedication Of The White Sage Parks and Authorization Preparation of Documents For Dedication of Said Parks and Authorizing Purchase of Insurance Coverage for Activities at White Sage Regional Park".

Following a review of the proposed resolution, Council Member Don Dafoe MOVED to adopt Resolution No. 84-113 entitled:

A RESOLUTION DECLARING THE INTENT OF DELTA CITY COUNCIL
TO ACCEPT DEDICATION OF THE WHITE SAGE PARKS AND
AUTHORIZATION PREPARATION OF DOCUMENTS FOR DEDICATION OF
SAID PARKS AND AUTHORIZING PURCHASE OF INSURANCE
COVERAGE FOR ACTIVITIES AT WHITE SAGE REGIONAL PARK.

The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, the Mayor called for a vote on the motion. Council Members Don Dafoe, Craig Greathouse, Kjell Jenkins, and Neil Dutson voted in the affirmative. Council Member Ruth Hansen voted no.

SCHEDULE PUBLIC HEARING DATE FOR THE STREET VACATION OF THE ALLEY LOCATED AT 350 WEST BETWEEN 350 NORTH AND 400 NORTH STREET

City Attorney Warren Peterson explained that Utah Power and Light Company had requested vacation of a dead end street. The street in question is the alley to the Utah Power & Light Co. pole yard, he said. The description of the property was provided to each of the Council Members prior to the meeting.

Following a brief discussion of the issue, Council Member Don Dafoe MOVED a Public Hearing be scheduled for September 24 at 6:40 p.m. for the purpose of hearing public comment on the street vacation of the alley located at 350 West between 350 North and 400 North Street. The motion was SECONDED by Council Member Ruth Hansen. The motion carried unanimously.

CITY CHIEF OF POLICE GREG COOPER - POLICE SURVEY

Delta City Police Chief Greg Cooper reported to the Council that a brief survey had just been completed by Officer Scott Lakey to try to determine where the Police Department stood with the community. There were 96 persons contacted at random. The questions were as follows:

1. Have you had any type of contact with the Delta City Police Department? If so, describe briefly what type of incident or case it was.

ANSWER: There were responses all the way from dog barking to DUI arrests.

2. How often do you observe a patrol car anywhere in town? They were given three different answers to check on this question. They were: Frequently Occasionally Never

ANSWER: The majority of the respondents noted that they saw a police car frequently in their area.

3. What would you suggest that we could do to improve our Police Department?

4. Please list any comment or question that you may have regarding the Delta City Police Department.

Out of the 96 persons surveyed, 80% of the people felt that the Delta City Police Department was doing a good job. Ten percent gave some very constructive advice as to areas that could be improved. Chief Cooper reported that there have been some programs implemented as a result of the comments. Ten percent of those contacted made judgmental comments such as "Don't pick on IPP workers." Chief Cooper felt such comments to be unsupported by facts. For instance, he said, thirty-five to fifty percent of the DUI's are long-time residents, even though new residents and IPP workers represent at least half of the population.

Chief Cooper concluded his presentation by stating the Department is pleased with the results of the survey and will continue to strive to improve the work and quality of the work in his department.

Mr. Jim Dewyze asked Chief Cooper if he was aware of a petition that was being circulated regarding the Police Department. Chief Cooper replied that he had heard there was a petition, but that he had no idea what the petition contained. Mr. Dewyze was unable to tell him the contents of the petition.

CITY RECORDER DOROTHY JEFFERY

City Recorder Dorothy Jeffery told the Council that the office staff was having a lot of trouble with the present copy machine. She said that if more than 20 to 25 copies are made at a time, the machine tends to jam. In addition, there is a wide black shadow line at the bottom of all copies. The repairman has been called on several occasions to correct this problem; however, after about 50 copies the black line appears again on all copies.

The staff has contacted other repairmen and had them check the machine. They have suggested that the present machine may not be capable of handling the volume of copies that the City requires.

Mrs. Jeffery said other companies have been contacted in order to provide another machine and they have agreed to bring in their machines and let the City try them for a week or two prior to any decision being made as to the purchase of another copier.

It was the opinion of the Council that other copy machines should be brought in on a trial basis with the understanding that the Council would make the final decision as to which copy machine would be purchased or leased.

APPOINTMENT OF LIBRARY BOARD AS THE INTERIM HISTORICAL BOARD

Council Member Ruth Hansen reviewed with the Council the need to appoint an Interim Historical Board, after which Council Member Hansen MOVED to appoint the Library Board as the Interim Historical Board. The motion was SECONDED by Council Member Kjell Jenkins. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion carried.

UTAH POWER AND LIGHT EASEMENT REQUEST

Attorney Peterson explained that both easements included in the Council packet were approved at an earlier Council Meeting. They were subject to the Attorney preparing a revision containing a liability statement and identifying the City as a municipality versus a business corporation. The Attorney has prepared them and sent them to Utah Power and Light for approval. Consequently, there is no further Council action necessary regarding these documents until Utah Power and Light either approves or disapproves the documents.

PAYBACK AGREEMENT WITH MILLARD COUNTY SALES TAX

City Manager Jim Allan reviewed with the Council the status of previous Utah State Tax Commission mispayments of sales tax to Delta City that should have been paid to Millard County. He reported that an agreement had been negotiated between Millard County and Delta City and as the City Attorney had prepared a resolution to approve the agreement. Following the review, Council Member Craig Greathouse MOVED to adopt Resolution 84-114, entitled:

A RESOLUTION APPROVING AN INTERLOCAL CORPORATION ACT
AGREEMENT BETWEEN DELTA CITY AND MILLARD COUNTY
PROVIDING FOR TEMPORARY REDISTRIBUTION OF SALES TAX
REVENUES.

The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he asked for a roll call vote. Voting was as follows:

Council Member Craig Greathouse	Yes
Council Member Ruth Hansen	Yes
Council Member Don Dafoe	Yes
Council Member Kjell Jenkins	Yes
Council Member Neil Dutson	Yes

Motion carried. Following the voting on the Resolution, the Resolution was signed by Mayor Grant Nielson and attested by Delta City Recorder Dorothy Jeffery.

ATTENDANCE AT THE UTAH LEAGUE OF CITIES AND TOWNS ANNUAL CONVENTION TO BE HELD IN SALT LAKE CITY

City Recorder Dorothy Jeffery asked the Council Members who would be attending the conference this year because the reservations must be made prior to September 14th. Council Member Neil Dutson stated he would be unable to go. Council Member Ruth Hansen was planning to attend only on Friday. Council Member Craig Greathouse stated he would be attending Thursday and Friday. Council Member Don Dafoe would be attending Thursday and Friday. Council Member Kjell Jenkins stated he would no longer be a Council Member at the time the convention was to be held and would not be attending. City Manager Jim Allan stated he would be attending Wednesday, Thursday and Friday. Dorothy Jeffery thanked them for their information and stated the reservations would be made the following day.


PURCHASE ORDER FOR WORD PROCESSING PROGRAM

City Manager Jim Allan explained to the Council that the newly adopted Delta City Purchasing Manual is now being used to govern all purchases made by Delta City. According to the procedure in the aforementioned manual, if an item exceeds \$2,000, it must be processed through the formal bidding system. A word processing program for the IBM Model 36 needed by the City is sold by IBM. Mr. Allan requested Council direction on the purchase of this item because of the total dollar amount of the item exceeding the \$2,000 limit. He asked whether the program should be put out for bid or should the bid process be waived on this particular item with the Council's approval to purchase the word processing program directly from IBM.

Following a discussion of the word processing program, Council Member Don Dafoe MOVED to waive the purchase order bidding process for the purchase of the word processing program and allow it to be purchased directly from the IBM Company. The motion was SECONDED by Council Member Ruth Hansen and carried unanimously.

Mayor Nielson asked if there were any other items for discussion. There being none, Council Member Neil Dutson MOVED the meeting be adjourned. The motion was SECONDED by Council Member Kjell Jenkins. The meeting adjourned at 10:27 p.m.

Attest: 
DOROTHY JEFFERY
Delta City Recorder


GRANT S. NIELSON, Mayor